

Notice of Allowability	Application No.	Applicant(s)	
	08/477,711	HARVEY ET AL.	
	Examiner	Art Unit	
	CHAN S. PARK	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/13/02.
2. ☒ The allowed claim(s) is/are 2, 3, 6, 7, 9-11, 13-24, 26-29 and 31. These claims will be renumbered as 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20100720</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/CHAN S PARK/
Primary Examiner, Art Unit 2625

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with Thomas J. Scott (Reg. No. 27,836) on July 20, 2010.

2. The application has been amended as follows:

2. (Currently amended) A method of controlling the transmission of ~~one of data and control~~ embedded signals by ~~one of a broadcast and a cablecast~~ transmitter station, said transmitter station comprising at least one signal generator for embedding ~~a unit of data~~ signals in an information ~~transmission~~ transmissions; at least one transmitter for transmitting one of a broadcast and a cablecast information transmission; and ~~at least one of a processor, a controller, and a computer for at least one of~~ controlling ~~the communication of information to and~~ the embedding of information at said at least one signal generator, said method comprising the steps of:

embedding, using said at least one signal generator, ~~at least one of first data and a first control signal~~ signals in said at least one of a broadcast and a cablecast information transmission including a video signal;

communicating said at least one of a broadcast and a cablecast information transmission to said at least one transmitter;

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transmitting, from said at least one transmitter, said at least one of a broadcast and a cablecast information transmission to a at least one remote receiver station ~~in said one of a broadcast and a cablecast information transmission;~~

receiving an instruct-to-embed signal from at least one remote transmitter station;
and

causing, using said processor, said at least one signal generator to cease embedding said ~~at least one of first data and a first control signal~~ signals in response to said instruct-to-embed signal;

causing, using said processor, said at least one signal generator to embed, in response to said instruct-to-embed signal, at least one of second data and a second control signal signals in ~~said an incomplete~~ information transmission transmitted in said one of a broadcast and cablecast information transmission, said second signals for processing at said at least one remote receiver station to control output of information that completes said incomplete information transmission at said at least one remote receiver station; and

continuing to transmit said at least one of a broadcast and a cablecast information transmission to said at least one remote receiver station.

3. (Currently amended) A method of controlling the transmission of ~~one of data and control~~ signals by one of a remote ~~broadcast and a remote cablecast~~ transmitter station, said ~~one of a remote broadcast and a remote cablecast~~ transmitter station comprising at least one receiver for receiving one of a broadcast and a cablecast information transmission including a video signal from an origination transmitter station;

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at least one signal generator for embedding data signals in said one of a broadcast and a cablecast information transmission; at least one transmitter for transmitting said one of a broadcast and a cablecast information transmission; and ~~at least one of~~ a processor, ~~a controller, and a computer~~ for controlling ~~at least one of 1) the communication of said one of a broadcast and a cablecast information transmission to and 2) the embedding of~~ information at said signal generator, comprising the steps of:

~~(1) receiving said one of a broadcast and a cablecast~~ generating an incomplete information transmission at said origination transmitter station;

~~(2) generating an instruct-to-embed signal effective to cause said one of a broadcast and a cablecast~~ processor at said transmitter station to cease embedding at least one of first data and a first control signal signals in said one of a broadcast and a cablecast information transmission, and embed at least one of second data and a second control signal signals in said incomplete information transmission for transmission in said broadcast or cablecast information transmission, said second signals for processing at at least one remote receiver station to control output of information that completes said incomplete information transmission; and

~~(3) transmitting said one of a broadcast and a cablecast~~ incomplete information transmission and said instruct-to-embed signal from said origination transmitter station to said remote transmitter station.

4 - 5. (Cancelled)

6. (Currently Amended) The method of claim 2, wherein said ~~at least one of first data and a first control signal is~~ signals are generated at said ~~remote~~ transmitter station.

7. (Currently Amended) The method of claim 2, wherein said step of causing at least one said signal generator to embed ~~at least one of said second data and a second control signal~~ signals in said incomplete information transmission further comprises one of increasing and decreasing the size of ~~the~~ a portion of said incomplete information transmission in which said ~~at least one of second data and a second control signal is~~ signals are embedded.

8. (Cancelled)

9. (Currently Amended) The method of claim 2, wherein said ~~at least one of first data and a first control signal operates~~ signals operate at said at least one remote receiver station to generate a series of complete video images for said incomplete information transmission by processing said first ~~control signal~~ signals.

10. (Currently Amended) The method of claim 2, wherein a synchronizing instruction synchronizes processing of code by a plurality of processors at said at least one remote receiver station, said method further comprising the step of transmitting at least one of said synchronizing instruction and said code.

11. (Currently Amended) The method of claim 2, further comprising the step of transmitting at least one of a program instruction set and a combining synch command in ~~at least one of said first control signal and said second control signal~~ signals.

12. (Cancelled)

13. (Currently Amended) The method of claim 2, further comprising the step of transmitting at least one of a data module and a meter-monitor segment in at least one of said first ~~data~~ signals and said second ~~data~~ signals.

14. (Currently Amended) The method of claim 2, wherein said at least one of a broadcast and cablecast information transmission includes a television programming transmission, said method further comprising the steps of:

receiving said television programming transmission from said at least one remote transmitter station; and communicating said television programming transmission to at least one said signal generator.

15. (Previously Presented) The method of claim 14, further comprising the step of detecting said instruct-to-embed signal in said television programming transmission.

16. (Previously Presented) The method of claim 14, further comprising the step of storing said television programming transmission for a period of time before communicating said television programming transmission to said signal generator.

17. (Currently Amended) The method of claim 2, wherein ~~at least one of said first data and said second data~~ signals serve as basis, at said at least one remote receiver station, for completing of at least one of video programming and audio programming.

18. (Currently Amended) The method of claim 17, further comprising the step of including in ~~at least one of said first control signal and said second control signal~~ signals

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at least one processor instruction which operates to deliver at least some of ~~said at least one of said first data and~~ included in said second data signals at at least one of a video display device and an audio speaker.

19. (Currently Amended) The method of claim 17, wherein ~~said at least one of said first data and said second data is~~ signals are transmitted in a code portion of said one of a broadcast and a cablecast information transmission, said method further comprising the step of transmitting only some of said at least one of video programming and audio programming in said incomplete information transmission and transmitted in a different portion of said one of a broadcast and a cablecast information transmission than said code portion, said only some of said at least one of video programming and audio programming to be completed at said at least one remote receiver station.

20. (Currently Amended) The method of claim 2, wherein said remote receiver station assembles information received in said one of a broadcast and a cablecast information transmission, said method further comprising the step of including higher language code in at least one of said first data, ~~said second data, said first control signal,~~ signals and said second ~~control signal~~ signals.

21. (Previously presented) The method of claim 20, further comprising the step of transmitting assembly language code.

22. (Currently Amended) The method of claim 2, wherein at least one of (1) said step of embedding said ~~at least one of first data and a first control signal~~ signals and (2) said step of causing said at least one signal generator to embed said ~~at least one of~~

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~~second data and a second control signal~~ signals is performed in accordance with a schedule, said method further comprising the step of storing said schedule.

23. (Currently amended) The method of claim 22, further comprising the steps of: receiving said schedule from said at least one remote transmitter station; and communicating said schedule to said ~~at least one of a processor, a controller, and a computer.~~

24. (Currently Amended) The method of claim 3, wherein ~~said step of causing said one of a broadcast and a cablecast transmitter station to embed at least one of embedding said~~ second data and a second control signal in said incomplete information transmission further comprises one of increasing and decreasing the size of ~~the a~~ portion of said one of a broadcast and a cablecast information transmission in which said ~~at least one of second data and a second control signal is~~ signals are embedded.

25. (Cancelled)

26. (Currently Amended) The method of claim 3, wherein said ~~at least one of first data and a first control signal operates~~ signals operate at a said at least one remote receiver station to generate a series of complete video images for said one of a broadcast and a cablecast information transmission by processing ~~said first a~~ control signal in said first signals.

27. (Currently Amended) The method of claim 3, wherein said one of a broadcast and a cablecast information transmission includes a television programming transmission, said method further comprising the steps of:

~~receiving~~ generating said television programming transmission at said origination transmitter station; and

transmitting said television programming transmission to said ~~one of a remote broadcast and a remote cablecast~~ transmitter station.

28. (Previously presented) The method of claim 27, further comprising the step of embedding said instruct-to-embed signal in said television programming transmission.

29. (Currently amended) The method of claim 27, wherein said ~~one of a remote broadcast and a remote cablecast~~ transmitter station stores said television programming transmission for a period of time before transmitting said one of a broadcast and a cablecast transmission, said method further comprising the step of transmitting an instruction which is effective at ~~said one of a remote broadcast and a remote cablecast~~ transmitter station to store said television programming transmission.

30. (Cancelled)

31. (Previously presented) The method of claim 3, further comprising the step of embedding said instruct-to-embed signal in said broadcast or cablecast information transmission.

32 - 39. (Cancelled)

ALLOWANCE

Allowable Subject Matter

3. **Claims 2, 3, 6, 7, 9-11, 13-24, 26-29 and 31** are allowed. These claims will be renumbered as 1-24.

4. The following is an examiner's statement of reasons for allowance:

The prior art of record do not teach or suggest the claimed limitation of the embedding, in response to said instruct-to embed signal, second signals in an incomplete information transmission transmitted in said one of a broadcast and cablecast information transmission, said second signals for processing at said at least one remote receiver station to control output of information that completes said incomplete information transmission at said at least one remote receiver station.

The features identified, in combination with other claim limitations, are neither suggested nor discussed by the prior art of record.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Remarks

6. A double patenting administrative requirement is not being required by the examiner in the instant application since the examiner has independently conducted a double patenting analysis of the claims in the instant application.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571)272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAN S PARK/
Primary Examiner, Art Unit 2625

July 23, 2010